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**UTAH LABOR COMMISSION**

**REBECCA SUE KRANEK,**

**Petitioner,**

**vs.**

**WESTERN WATS,**

**Respondent.**

**ORDER DENYING REQUEST  
FOR RECONSIDERATION**

**Case No. 8050377**

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Rebecca Sue Kranek asks the Utah Labor Commission to reconsider its dismissal of Ms. Kranek's motion for review in the above-titled proceeding. The Labor Commission exercises jurisdiction over Ms. Kranek's request for reconsideration pursuant to Utah Code Ann. §63-46b-13.

**BACKGROUND AND ISSUES PRESENTED**

Ms. Kranek filed a complaint with the Utah Antidiscrimination and Labor Division ("UALD") alleging that Western Wats had discriminated against her in violation of the Utah Antidiscrimination Act ("the Act" hereafter; Title 34A, Chapter 5, Utah Code Annotated). After investigating Ms. Kranek's complaint, UALD found no reasonable cause to believe Western Wats had engaged in unlawful discrimination.

As permitted by §34A-5-107 of the Act, Ms. Kranek asked for a formal evidentiary hearing on her complaint. UALD transferred Ms. Kranek's complaint to Judge Marlowe to conduct the hearing. Judge Marlowe scheduled a prehearing conference, but Ms. Kranek failed to attend. For that reason, Judge Marlowe dismissed Ms. Kranek's complaint on August 4, 2006. Judge Marlowe's order of dismissal notified Ms. Kranek that she had 30 days to request review of the dismissal. Ms. Kranek did not file her motion for review until September 8, 2006. On March 9, 2006, the Commission dismissed the motion for review as untimely. Ms. Kranek now asks the Commission to reconsider its order of dismissal. Specifically, Ms. Kranek argues that the Labor Commission should have informed Ms. Kranek that she had "lesser days because of holidays."

**DISCUSSION**

Ms. Kranek may mistakenly believe she was deprived of a full 30 days to file her motion for review because the Labor Day holiday fell at the end of the 30-day period. In fact, just the opposite is true. Under applicable law, a filing period ending on a weekend or holiday is extended to the next business day. In this case, because the last day of the 30-day filing period fell on Sunday, September 3, and the following Monday was Labor Day, the filing period was extended to Tuesday, September 5. Thus, Ms. Kranek actually had two additional days to file her motion for review. However, she did not file her motion for review until September 8, 2006, three days after the extended appeal period had ended.

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In light of the foregoing, the Commission reaffirms its determination that Ms. Kranek's motion for review was untimely. The Commission therefore concludes it has no jurisdiction to consider this matter further.

**ORDER**

The Commission denies Ms. Kranek's request for reconsideration. It is so ordered.

Dated this 28<sup>th</sup> day of March, 2007.

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Sherrie Hayashi  
Utah Labor Commissioner